Ute dispute

PHOTO BY MARK SHAFFER

Oranna Felter, a mixed-blood Ute from the Uintah band, is the lead plaintiff in a federal lawsuit trying to restore full federally recognized Native rights to her people.

By Mark Shaffer
TODAY CORRESPONDENT

ROOSEVELT, Utah – Just try telling, even insulating, that Oranna Felter is not an Indian.

There's the living room of her home here in this northeastern Utah town that has been turned into a shrine to the Ute culture with a life-sized wooden carving of a chief. There's all the time she's spent in sweat lodges and participating in Ute ceremonies.

As Felter drives on the back roads on the nearby Fort Duchesne reservation, she points out all of her favorite hunting grounds and rapidly running creeks. At a fork in the road is a dilapidated structure, once owned by her parents, which was the first store of any note on the reservation.

But, according to the federal government, Felter and about 500 other mixed-blood Utes of the Uintah band are as white as the driven snow.

They were terminated as tribal members, stripped of their land and even their federally recognized Native status, nearly 50 years ago as part of the dubious Ute Partition Act, which American Indian attorney Dennis Chappabitty of Sacramento, Calif., calls "one of America's most glaring injustices."

The mixed-blood Utes filed a federal lawsuit a year ago in federal district court in Washington to try to win back their rights.

Felter, the lead plaintiff in the suit, noted that two other Ute bands scheduled for termination, the Uncompagre and Whiterivers, won back their

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rights through "deft political maneuvering," like many California tribes have done in recent years, and actually took over the ancestral homelands of the Uintahs.

The plaintiffs in the suit also claim that the partition act should be declared null and void because the act got rid of prior existing land and mineral rights of the disenfranchised Uintahs and parceled them out in the so-called Ute Distribution Corp. to corporations and many other non-Indians.

According to records of ownership in the multimillion dollar distribution corporation, nearly half of the about 5,000 shares in the corporation are owned by non-Indians, many of whom have connections to the powerful Church of Jesus Christ of Latter-day Saints in Utah.

At the time the mixed-blood Uintahs were removed from tribal rolls, each of them were given 10 shares of the stock in an attempt to help them adjust to the outside world, according to court records. Felter and other Uintahs said that they were given only five shares, per the agreement.

But many of those former tribal members didn't recognize the significance of the shares or understand legalities and cashed them in rapidly, leading to a life of poverty, Felter said.

Chappabitty, who is representing the mixed-blood Uintahs, wrote in response to a Department of Justice filing in October, which seeks to have the suit dismissed, that the partition act is a "proverbial small-pox infected blanket" which was disguised as a gesture of concern about the Uintas.

"Its victims have been repeatedly exploited to the point of financial and physical ruin, deprived of basic services such as access to adequate health care, overwhelming despair, broken and split family relationships and a list of social ills that goes on and on," Chappabitty wrote.

Thomas L. Sansonetti, an assistant U.S. attorney general, had written in his motion to dismiss that the suit is barred by the six-year statute of limitations and that the District Court in Washington lacks jurisdiction over the matter.

No hearing date has been scheduled on the motion to dismiss but Chappabitty believes it will happen by late January.

"Someone please show me the proof that the Uintah band 'voluntarily' voted to terminate themselves," Chappabitty said. "This is such a horrendous injustice that remains America's own dirty little legacy of cultural destruction and genocide."

A federal task force investigating terminated Indians smelled a rat as early as 1976 in a report to the American Indian policy review commission. Concerned about BIA mismanagement of trust assets of the terminated tribes, the task force called for a "full and complete" investigation of such tribes, emphasizing the "terminated Ute Indians of Utah."

All of that is very understandable to University of Oklahoma history professor R. Warren Metcalf, who wrote the book "Termination's Legacy: The Discarded Indians of Utah" last year.

Metcalf wrote that the mixed-blood Uintahs did not meet the "essentialist expectations" of officials in the Mormon Church and posed a threat to those Utes who had retained their federally designated tribal status as the government continued to try to terminate Indians up until the early 1970s. Then-Utah Sen. Arthur V. Watkins, head of the Senate Subcommittee on Indian Affairs, was the leading proponent of the termination program.

Felter said she would have been leading the charge against termination had she been aware of what was happening at the time. But, she said she hadn't even reached her teenage years when her family was forced off the reservation.

She has hope, however, that she will return home again.

Two months ago, the mixed-blood Uintahs had a gathering in Roosevelt to plan their future legal moves. Bright orange balloons with the names and roll numbers of each of the disenfranchised former tribal members and a web address to contact were released in the air.

A few days later, Felter signed on her computer and went to her e-mail bin. A hunter about 100 miles away near Montrose, Colo., had found one of the balloons and saw what he thought to be an omen in his discovery.

The balloon was resting on top of an arrowhead.